

EXHIBIT D

to

**DECLARATION OF SUSAN PHILIP, MD, MPH, IN
SUPPORT OF DEFENDANT CITY AND COUNTY
OF SAN FRANCISCO'S OPPOSITION TO
PLAINTIFFS' MOTION FOR PRELIMINARY
INJUNCTION**

Fact Sheet: Harm Reduction Supplies and the California Harm Reduction Supply Clearinghouse

March 2022

The California Budget Act of 2018 revised [California Health and Safety Code \(HSC\) Section 121349.1](#) to expand the scope of supplies made available by syringe services programs (SSPs) to include other materials, in addition to needles and syringes.

California law states that SSP participants “shall not be subject to criminal prosecution for possession of needles or syringes or **any materials deemed by a local or state health department to be necessary to prevent the spread of communicable diseases, or to prevent drug overdose, injury, or disability**” when acquired from an authorized SSP.

HSC Section 121349.1 also establishes that SSP staff and volunteers may legally distribute these materials.

The California Department of Public Health (CDPH), Office of AIDS (OA) has determined that safer injection, safer smoking and sniffing materials, provided in a harm reduction context alongside health education and other care, may reduce the spread of communicable diseases such as HIV and hepatitis C, and reduce the risk of injury and fatal drug overdose. As of December 6, 2019, CDPH/OA designates all materials included in the OA Harm Reduction Supply Clearinghouse, which provides supplies for California SSPs, as necessary for the prevention of disease, injury, or overdose.

The Harm Reduction Supply Clearinghouse, established by the California Budget Act of 2015, provides supplies to California SSPs to reduce transmission of infectious diseases, prevent injury and overdose, and improve access to harm reduction services in the state. Any materials in which drugs are prepared or administered may potentially transmit disease or cause injury if shared or reused. Providing new supplies helps reduce sharing and reuse, and allows opportunities for health education, engagement, and building trust.

OA assesses materials for inclusion in the Clearinghouse by reviewing scientific and public health literature, including recommendations from the Centers for Disease Control and Prevention and the World Health Organization. Materials with a clear public health purpose and rationale are then included in the supply catalog and made available to SSPs.

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Clearinghouse supplies, and supplies typically provided by California SSPs include, but are not limited to:

- Needles and syringes
- Containers for mixing injectable drugs (cookers)
- Cotton pellet filters
- Tourniquets
- Alcohol wipes
- Sterile water and saline
- Ascorbic acid
- Straws
- Glass pipes
- Pipe covers
- Fentanyl test strips
- Sharps waste containers
- Condoms
- Naloxone (an opioid antagonist used to rapidly reverse opioid overdose)

Clearinghouse supplies include glass pipes, pipe covers, and other materials related to safer smoking. Many drugs that are commonly injected – including heroin, fentanyl, and methamphetamine – may also be smoked or snorted, and people who inject drugs may transition away from injection if smoking supplies are available. Public health evidence also supports expanding available harm reduction materials beyond sterile syringes to engage non-injectors in care, an important approach in the context of California’s opioid and methamphetamine overdose epidemics. OA’s Issue Brief, [Smoking Supplies for Harm Reduction](#) provides additional information on the importance of reaching this population.

Key Points:

- CDPH and local health departments may designate materials for distribution by SSPs as necessary for disease, injury, or overdose prevention. Such materials may be lawfully possessed by staff, volunteers, and participants of SSPs.
- CDPH/OA designates all materials included in its California Harm Reduction Supply Clearinghouse, which provides support for SSPs, as necessary for the prevention of disease, injury, or overdose.
- For more information on supplies currently offered by the Clearinghouse, contact SSPinfo@cdph.ca.gov.
- To [learn more about CDPH/OA’s harm reduction efforts](#) visit our website at https://www.cdph.ca.gov/Programs/CID/DOA/Pages/OA_prev_needle_exchange_syringe.aspx.